

ENTERED

May 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JORGE L ROSALES,

Plaintiff,

VS.

NANCY A BERRYHILL,

Defendant.

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CIVIL ACTION NO. 2:17-CV-00224

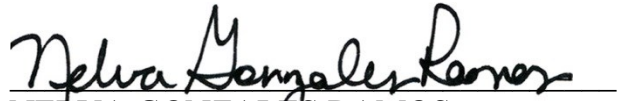
ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is Plaintiff, Jorge L. Rosales's Complaint appealing an adverse decision of his social security disability claim (D.E. 1). On May 10, 2018, United States Magistrate Judge B. Janice Ellington issued a Memorandum and Recommendation (D.E. 14), recommending that the Commissioner's decision be vacated and Plaintiff's cause of action be remanded to the Social Security Administration for further consideration. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 14), and all other relevant documents in the record, and finding no clear error, the Court ADOPTS as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court REVERSES the determination of the Commissioner, VACATES the Commissioner's decision, and REMANDS the action to the Social Security Administration for proceedings consistent with the Memorandum and Recommendation, including that the Administrative Law Judge make a proper re-assessment of the medical opinions in the record, including Dr. Wild's opinions, and in turn, of Plaintiff's residual functional capacity to do work.

ORDERED this 29th day of May, 2018.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE